

FISHERIES  
& AQUACULTURE  
**PIRSA**

# Policy for the Co-management of Fisheries in South Australia

OCTOBER 2013

**PREMIUM**  
FOOD AND WINE FROM OUR  
**CLEAN**  
ENVIRONMENT



# POLICY FOR THE CO-MANAGEMENT OF FISHERIES IN SOUTH AUSTRALIA

Information current as of October 2013

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# 1. TITLE

Policy for the Co-management of Fisheries in South Australia.

## 2. POLICY STATEMENT

The role of the South Australian Government, as custodian of the State's aquatic resources, on behalf of the broader community and future generations, is to ensure that they are protected, managed and used in a manner that is consistent with the principles of ecologically sustainable development (ESD), in pursuit of the objects of the *Fisheries Management Act 2007* (Refer **Appendix 1**).

This policy has been developed to provide an overarching framework to promote further co-management of fisheries in South Australia and is designed to further the objective outlined in Section 7.1(e) of the *Fisheries Management Act 2007* (the Act), which states that "the participation of users of the aquatic resources of the State, and of the community more generally, in the management of fisheries is to be encouraged". This policy is also consistent with the Fisheries Council function outlined under Section 16(c) of the Act "to promote the co-management of fisheries".

This policy proposes that implementation of a preferred co-management model should be through a phased approach that allows industry and key stakeholders to build their capacity over time and allows for a government audit process to measure performance and success.

## 3. POLICY DETAILS

### 3.1 Introduction

The Department of Primary Industries and Regions, South Australia (PIRSA) has managed fisheries in partnership and in consultation with the fishing industry and other key stakeholders for many years, with the aim of achieving better fisheries management outcomes. The consultative co-management approach adopted in South Australia was largely driven through Fisheries Management Committee (FMC) processes, as required under the former *Fisheries Act 1982*. This consultative co-management approach engaged industry and key stakeholders and achieved good outcomes for South Australian fisheries but did not always prevent conflicts between government, the industry and/or other key stakeholders. The global experience is similar and it has become evident that a collaborative environment, making better use of collective knowledge and experience, is one means whereby many fishery challenges might be better addressed (Sen and Nielson 1996; Pomeroy and Berkes 1997; Jentoff, McCay and Wilson 1998; Noble 2000; Townsend, Shotton and Uchida 2008).

It is now well recognised that in order to achieve the best economic, environmental and social outcomes from a fishery, fishery managers and scientists must interact regularly with commercial, recreational and traditional fishers and with other key stakeholders and members of the community that use or have an interest in fisheries resources and the ecosystems upon which they depend and involve such groups in the fishery management process (Sen and Nielson 1996; Pomeroy and Berkes 1997; Jentoff, McCay and Wilson 1998; Noble 2000; Townsend, Shotton and Uchida 2008). Such interactions lead to improved relationships between fishery managers and key stakeholders, as well as improved relationships between the key stakeholders themselves (Hollamby et al., 2010).

Better use of incentives, such as increasing the responsibility of industry (including, where appropriate, through formal delegation of appropriate functions currently undertaken by government), has been shown to positively influence fisher behaviour, industry and stakeholder stewardship, reduce government red tape

(e.g. in the Spencer Gulf Prawn Fishery) and improved fishery management outcomes (Jentoff 1989; Hollamby et al., 2010).

To ensure the term “co-management” described in this policy is properly understood it is important to outline how it works in practice. Co-management exists on a continuum that begins with information exchange through consultation, develops into collaboration between managers, industry and key stakeholders and can, under the right conditions, progress to sharing responsibilities and formal delegation of management functions (Neville et al., 2008).

Put simply, fisheries co-management operates across a wide spectrum, starting from centralised government regulation with no industry input at one end to more autonomous management by industry groups and key stakeholders at the other, where government plays more of an audit role. Co-management is designed to achieve efficient regulatory practice (among many other things) and is by no means a way of industry or other key stakeholders getting away from regulatory scrutiny and influence.

In the context of the co-management continuum described above, this policy aims to establish clear guideposts and criteria, from which government, industry and other key stakeholders can evaluate the costs and benefits and overall readiness of an industry or key stakeholder organisation to move from one stage of the co-management continuum to the next. This staged approach is designed to provide clarity to all stakeholders involved and to instill confidence in the broader community that co-management activities are being undertaken in a responsible and well-considered approach.

Some of the advantages of co-management that this policy aims to capture include: enhanced ownership over decision making processes and fishery management outcomes from industry and key stakeholders, which encourages responsible fishing; greater sensitivity to local socio-economic and ecological constraints; improved management through use of local knowledge; collective ownership by user groups in decision making; increased compliance with regulations through peer pressure; and better monitoring, control and surveillance by fishers.

This policy recognises that co-management is likely to work best where conflict between stakeholders is minimal or robust mechanisms to deal with conflict are in place; a sound industry/stakeholder organisation is in place; stocks are stable or are improving; and, in the case of commercial fisheries, the industries are profitable. In situations where the reverse is true, even well-established consultation arrangements can be tested, especially when hard decisions have to be taken about costs and catch levels. As co-management builds trust and joint responsibilities it can help both the industry, government and other key stakeholders to get through difficult times together.

Finally, this policy is consistent with broader State natural resource management goals and will assist with practical achievement of these goals. These vision and goals of the *South Australian Natural Resources Management Plan (2012-2017)* are:

Vision: We care for the land, water, air and sea that sustain us.

Goal 1: People taking responsibility for natural resources and making informed decisions.

Goal 2: Sustainable management and productive use of land, water, air and sea.

Goal 3: Improved condition and resilience of natural systems.

## 3.2 Co-management Defined

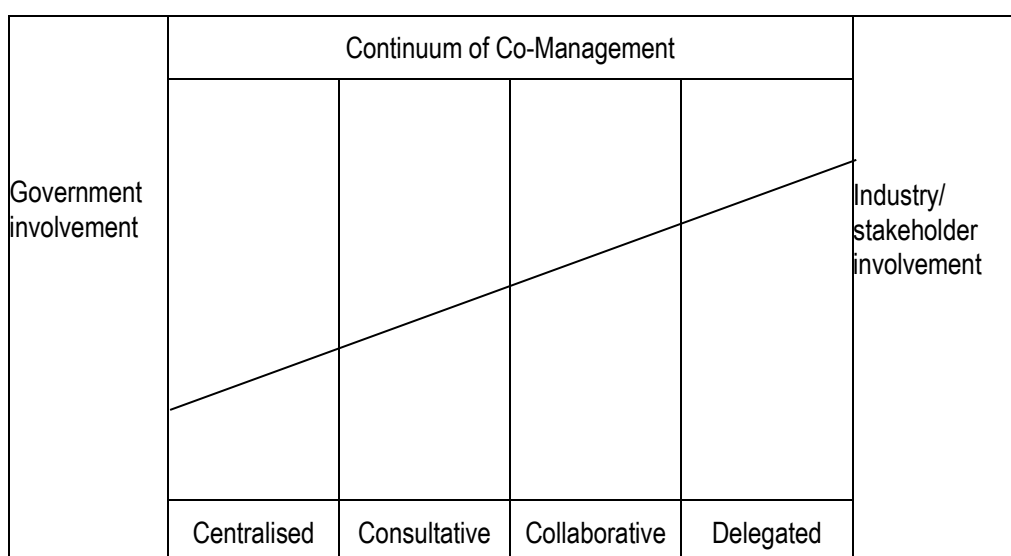
The national co-management initiative established by the Fisheries Research and Development Corporation (FRDC) in 2006 developed a working national definition for co-management in the fisheries context (Neville et al., 2008). Following this definition, essentially, co-management is an arrangement where responsibilities and obligations for sustainable fisheries management are negotiated, shared or delegated between government, the commercial fishing industry, recreational fishers, Aboriginal and Traditional fishers and other key stakeholders such as conservation groups (Neville et al., 2008). Co-

management can cover a range of management models from consultative to collaborative or delegated decision-making (see Figure 1).

This policy draws a distinction between fisheries co-management and other alternative approaches such as ‘community-based fisheries management’. In this sense, the co-management approach outlined in this policy will apply to South Australian fisheries defined in regulations and/or operating under a formal management plan. Whilst the principles of co-management can be applied in many ways to many different fishery management scenarios, this policy is not intended to replace other existing ‘community-based fisheries management’ activities that are already occurring in South Australia. For example, the processes that are being developed to implement Indigenous Land Use Agreements (ILUAs) to assist community-based fisheries management with Aboriginal communities in South Australia will continue as community based fisheries management activities.

Developing co-management arrangements beyond the straight consultative model has increasingly been discussed as a means of moving from centralised government decision making to greater industry and stakeholder collaboration on decision-making, sharing of responsibility/accountability and delegation of authority (Jentoff 1989; Pomeroy and Berkes, 1989; Noble 1999; Neville et al., 2008).

In South Australia, the majority of fisheries are managed in the consultative phase of co-management. However, some fisheries, for example the Spencer Gulf Prawn Fishery, are managed in the collaborative phase, particularly in relation to the ‘real-time’ management of the fishery (Hollamby et al., 2008).



**Figure 1.** The continuum of co-management showing the four broad stages of co-management and the level of government/industry/stakeholder involvement at each stage of management (Neville et al., 2008; modified from Pomeroy and Berkes 1997).

### 3.2.1 Centralised fisheries management

Centralised fisheries management exists when government administers fisheries legislation and takes full responsibility for making decisions on fisheries management with limited consultation with fishers and other stakeholders.

### 3.2.2 Consultative Co-management

Consultative co-management exists when government administers fisheries legislation and makes decisions on fisheries management through consultative processes with input from fishers and other key stakeholders, where fisheries management decisions are discussed and debated through stakeholder

based fisheries management committees, or some other similar mechanism. However, the majority of management decisions are still made by the government management agency.

### 3.2.3 Collaborative Co-management

Collaborative co-management exists when government administers fisheries legislation but decisions are made on fisheries management through a close and collaborative working relationship with fishers and key stakeholders. Under a collaborative co-management approach, some responsibilities for decision making are negotiated and shared between government, fishers and key stakeholders.

### 3.2.4 Delegated Co-management

Delegated co-management exists when government establishes a formal agreement, enabled by legislation (i.e. through provisions of the *Fisheries Management Act 2007*) with an organised fishing body or association to delegate certain well defined management responsibilities to the organisation under specified conditions. Under this arrangement, the government authority takes on a less active day to day management role and adopts more of an audit role.

## 3.3 Stakeholders Defined

The concept of co-management is not restricted to the commercial fishing sector, as all sectors (commercial, recreational, indigenous and conservation), as well as the wider community, have an interest in the sustainability of our fisheries resources and how they are managed. In nearly all cases, co-management needs to consider the interests of all key stakeholder groups.

The sometimes complex issues around resource allocation and access require resolution to address the interests of

- recreational anglers who want to be able to catch a fish;
- commercial fishers who want to earn a living;
- Aboriginal communities that have cultural and traditional connections and interests in fishing;
- conservation interests who support sustainable fishing practices;
- seafood consumers who wish to avail themselves of the opportunity to purchase fresh, locally caught fish; and
- those in the community who gain some satisfaction and sense of good resource governance from just knowing fisheries resources are unharmed also need to be considered.

## 3.4 Guiding Principles

This policy identifies that implementation of a preferred co-management model be through a phased approach that allows industry and key stakeholders to build their capacity over time and, where necessary, allows for development of a government audit process to measure and ensure performance and success.

In support of this policy objective, the development and implementation of co-management in South Australia's fisheries will be based upon the following guiding principles:

- a) acknowledgement that PIRSA's role is to manage fisheries resources and fishing practices consistent with the principles of ecologically sustainable development, as required by the Fisheries Management Act 2007, on behalf of all South Australians and in a way that instills confidence with the South Australian community, and which results in improvements in sustainable management of fisheries;
- b) acknowledgement that industry's role is to manage their business in a way that both meets their needs and obligations;

- c) any move towards greater co-management needs to facilitate an acceptance of change from traditional approaches and attitudes, which is underpinned by a strengthened partnership approach between government, industry and key stakeholder groups and an explicit acceptance of the uncertainties involved in fisheries management and the objectives of fisheries legislation, which require a precautionary approach to management (refer to section 5 in Appendix 1);
- d) there must be mutual trust and respect established between industry, PIRSA and relevant key stakeholders and third parties, and this needs to include a respect for the best available science, as good clear advice is essential to support decision-making; it also needs to embrace a willingness to progress co-management in a constructive and positive manner;
- e) any move towards greater co-management needs to be of benefit to industry, PIRSA and the community as a whole. This means that a simple assessment of the costs and benefits should be undertaken when deciding on a move to greater co-management;
- f) activities undertaken to increase co-management need to be cost-effective and balanced against the efficient and transparent delivery of services and PIRSA's duties as required by legislation. . This means that the costs of co-management should not outweigh the benefits and the overall process should not become so time consuming, for any party, that it leads to inefficient delivery of services to industry and relevant key stakeholders;
- g) activities undertaken in line with this policy should aim to increase the accuracy, timeliness and transparency of information for decision-making. This implies that involving stakeholders more directly in the co-management of fisheries will improve the breadth of information available in decision making and allow key stakeholders to have input to the decision making processes, which collectively should help to deliver improved outcomes;
- h) any functions undertaken in line with this policy come with formal accountability for industry and other stakeholder groups. This means that if decision making responsibility is to be shared, then accountability and responsibility for the decisions that are made must also be shared, by all stakeholders that are involved;
- i) this policy acknowledges that the activities undertaken by an industry/stakeholder organisation must be resourced adequately and processes need to be established to ensure resourcing is sufficient to facilitate co-management and are appropriate to the scale of the fishery. PIRSA has established a process to support industry associations to promote co-management activities;
- j) this policy acknowledges that one size does not fit all and that the pace of implementation of greater co-management will be different between fisheries. This recognises that fisheries are at varying stages of development and that while some fisheries are well positioned to move to greater co-management, others are not, particularly in relation to the strength and capacity that exists within the industry or stakeholder organisation. Therefore, this policy is not prescriptive in terms of which approach should be applied to particular fishery scenarios. Rather, this policy establishes a set of pre-conditions that should be achieved prior to moving between the broad phases of co-management identified in the policy; and
- k) appropriate levels of stakeholder input and engagement needs to occur in the co-management process.

### 3.5 Broad Aims of Co-management

To complement the guiding principles, the overall aim of co-management, in accordance with this policy, is to deliver the following improvements:

- a) a fundamental change towards a strengthened partnership approach based on shared responsibilities and shared accountabilities between government, industry and stakeholders for implementing sustainable management;



- b) a more transparent and efficient cost structure, and more efficient delivery of services and functions;
- c) potentially, but not necessarily, lower costs of management;
- d) improved trust and goodwill and working relationships among parties;
- e) more flexible and adaptive management processes;
- f) greater scrutiny of legislative frameworks and regulatory controls;
- g) opportunity to enhance the public perception of fishers;
- h) opportunity for building capacity and skills of industry and other relevant stakeholders in managing a fishery; and
- i) greater ability to innovate and respond to industry development needs across the different fishing sectors.

The following sections of the policy provide clear guidelines for how a South Australian fishery, that is defined in regulations and/or operating under a formal management plan, can move along the co-management continuum, from centralised management decision-making, to consultative, collaborative and delegated co-management.

### 3.6 Moving from Centralised to Consultative Co-management

In South Australia, very few fisheries (commercial, recreational or traditional Aboriginal) are currently managed through a centralised government approach. Most fisheries are managed through consultative arrangements involving the industry sector and/or the other relevant key stakeholders groups.

Those fisheries which could be considered to be managed under a more centralised approach to government management decision making are some small-scale commercial fisheries operating under Ministerial exemptions, exploratory or developmental arrangements and include some miscellaneous fisheries.

When a fishery makes the transition from the exploratory stage, through the developmental stage, to become a more formally managed fishery, consultative arrangements are generally established with key industry stakeholder groups to support longer term fisheries management. Such arrangements are designed, and resourced, to match the scale and nature of the fishery being managed.

The following minimum conditions must exist and be ongoing for PIRSA to engage with industry/stakeholder organisations in consultative co-management:

- a) there is a representative, incorporated and financially secure industry/stakeholder organisation with a sound governance structure; and
- b) there is active leadership in the industry/stakeholder organisation (e.g. one or two individuals at the executive officer/president level in an industry organisation) providing a capacity to constructively engage with government authorities.

### 3.7 Moving from Consultative to Collaborative Co-management

Most South Australian fisheries currently operate within consultative co-management arrangements, through established fishing industry association bodies for each major fishing sector. In recognition of this fact, the following preconditions are proposed as a basis for initial discussion between PIRSA and industry,

prior to considering progress from consultative arrangements towards more collaborative co-management in a fishery:

- a) there is active leadership in the industry (e.g. one or two individuals at the executive officer/president level in an industry organisation);
- b) there is a representative, incorporated and demonstrably financially secure industry/stakeholder organisation with a sound governance structure, including an independent chairperson, an executive officer and appropriate stakeholder involvement;
- c) resources must be available for industry/stakeholder organisations to engage in activities and functions. This means that the industry/stakeholder organisation must demonstrate its capacity to take on greater management responsibility;
- d) recognition by PIRSA and industry/stakeholder organisations that co-management arrangements must contain mechanisms for monitoring and auditing;
- e) a risk assessment should be undertaken in relation to all co-management functions to ensure all potential risks associated with moving towards more collaborative co-management are considered and appropriately managed;
- f) recognition that all parties will need to demonstrate flexibility in the development of co-management arrangements because issues need to be worked through carefully and thoroughly. This acknowledges that some issues may arise that are not anticipated and for which there is no simple resolution. It requires that all parties need to be prepared to work through issues constructively and cooperatively when/if they arise; and
- g) there exists minimal conflict with other stakeholder groups, and/or clear mechanisms or demonstrated capacity to address conflict.

### 3.8 Moving from Collaborative to Delegated Co-management

Section 10 of the *Fisheries Management Act 2007* provides for Ministerial powers of the Act to be delegated to other entities to facilitate co-management, in certain circumstances when a demonstrated track record of collaboration and trust exists between government and industry. Under this policy, in order to progress from collaborative arrangements to delegated co-management in a fishery, the previous pre-conditions outlined in section 3.4 will apply. In addition, the following pre-conditions are also proposed as a basis for initial discussion between PIRSA and industry/stakeholder organisations, prior to considering a move towards further delegated co-management:

- a) development of government performance audit processes for all delegated functions, to be managed by PIRSA and funded by industry;
- b) refinement of any existing management plans to improve audit capacity, including establishing clearly defined sustainability criteria as part of harvest strategies, in the form of target and limit reference points, linked to rules for decision making. PIRSA to lead this process in association with the Fisheries Council of South Australia, the relevant industry organisation and other stakeholders;
- c) development of criteria and processes for any proposed contracting of scientific services;
- d) development of standards and criteria for conducting stock assessment, including surveys, data analysis and reporting;
- e) maintaining the integrity of data collection, including provisions where relevant for independent scientific observers during surveys;

- f) development of criteria and process for quality assurance of data verification;
- g) a strategy should be developed in relevant fisheries to build capacity for industry -based scientific observers;
- h) building industry/stakeholder capacity; and
- i) a conflict resolution process should be developed, which may include independent facilitation or involvement of the Fisheries Council.

### 3.9 Functions which might be considered for delegation

There are a number of functions which could potentially be undertaken by industry/stakeholder organisations and other stakeholder groups in the following areas, where the requirements of this policy are met. These functions could include:

- a) some fisheries administration functions (e.g. administrative licensing functions);
- b) some surveillance activities;
- c) research and development;
- d) scientific monitoring and assessment;
- e) some operational management decision making, consistent with established management plans and harvest strategies; and
- f) communication and extension.

### 3.10 Functions that will stay with Government/PIRSA

Co-management is not a process for the government to delegate its responsibilities for core functions to non-government entities. There are a number of functions that will always remain the responsibility of government as follows:

- a) government policy development;
- b) Management plan development (and review), including setting biological economic and social sustainability criteria - noting that comprehensive stakeholder consultation processes are already well-established for the development of management plans through the Fisheries Management Act 2007 and existing government processes;
- c) powers to enact legislation;
- d) initial creation of access rights and authority to fish;
- e) fisheries access and allocation issues amongst all fishers and other stakeholders;
- f) setting of Total Allowable Catch levels;
- g) investigation, enforcement and prosecution;
- h) storage of data collected through authorised fishing activities;
- i) legislated fee setting;

- j) audit and compliance with contractual arrangements;
- k) foreign and international fisheries matters; and
- l) regional development matters.

## 4. ACRONYMS

PIRSA Department of Primary Industries and Regions, South Australia

FMC Fisheries Management Committee

FRDC Fisheries Research and Development Corporation

## 5. GLOSSARY

**Aboriginal traditional fishing** Fishing engaged in by an Aboriginal person for the purposes of satisfying personal, domestic or non-commercial, communal needs, including ceremonial, spiritual and educational needs, and using fish and other natural marine and freshwater products according to relevant aboriginal custom.

**Adaptive management** Management involving active responses to new information or the deliberate manipulation of fishing intensity or other aspects in order to learn something of their effects. Within a stock, several sub-stocks can be regarded as experimental units in which alternative strategies are applied.

**Allocation** Distribution of the opportunity to access fisheries resources, within and between fishing sectors.

**Commercial fishing** Fishing undertaken for the purpose of trade or business.

**Cost of management** Commercial fishery management services will generally include biological monitoring and reporting; policy, regulation and legislation development; compliance and enforcement services; licensing services; and research.

**Ecologically sustainable development** Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.

**Ecosystem** A dynamic complex of plant, animal, fungal, and micro-organism communities and the associated non-living environment interacting as an ecological unit.

**Fisheries Council** The Fisheries Council of South Australia defined by the *Fisheries Management Act 2007*.

**Fishery** A term used to describe the collective enterprise of taking fish. A fishery is usually defined by a combination of the species caught (one or several), the gear and/or fishing methods used, and the area of operation.

**Precautionary principle** This concept asserts that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

**Protected** means a species of aquatic resource declared by the regulations to be a protected species for the purposes of the *Fisheries Management Act 2007*.

**Recreational fishing** Fishing other than commercial fishing or Aboriginal traditional fishing, where the catch is released or used for personal consumption or taken for sport.

**Stakeholder** An individual or a group with an interest in, or connection with, the conservation, management and use of a resource.

**Threatened** A species or community that is vulnerable, endangered or presumed extinct.

**Total Allowable Catch** in relation to a fishery, means the total quantity of aquatic resources of a particular class that may be taken from the waters of the fishery during a particular period.

**Traditional fishing** Fishing for the purposes of satisfying personal, domestic or non-commercial communal needs, including ceremonial, spiritual and educational needs and utilising fish and other natural marine and freshwater products according to relevant indigenous custom.

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## APPENDIX 1

The following section lists the objects of the *Fisheries Management Act 2007*

### 7—Objects of Act

(1) An object of this Act is to protect, manage, use and develop the aquatic resources of the State in a manner that is consistent with ecologically sustainable development and, to that end, the following principles apply:

- (a) proper conservation and management measures are to be implemented to protect the aquatic resources of the State from over-exploitation and ensure that those resources are not endangered;
- (b) access to the aquatic resources of the State is to be allocated between users of the resources in a manner that achieves optimum utilisation and equitable distribution of those resources to the benefit of the community;
- (c) aquatic habitats are to be protected and conserved, and aquatic ecosystems and genetic diversity are to be maintained and enhanced;
- (d) recreational fishing and commercial fishing activities are to be fostered for the benefit of the whole community;
- (e) the participation of users of the aquatic resources of the State, and of the community more generally, in the management of fisheries is to be encouraged.

(2) The principle set out in subsection (1)(a) has priority over the other principles.

(3) A further object of this Act is that the aquatic resources of the State are to be managed in an efficient and cost effective manner and targets set for the recovery of management costs.

(4) The Minister, the Director, the Council, the ERD Court and other persons or bodies involved in the administration of this Act, and any other person or body required to consider the operation or application of this Act (whether acting under this Act or another Act), must—

- (a) act consistently with, and seek to further the objects of, this Act; and
- (b) insofar as this Act applies to the Adelaide Dolphin Sanctuary, seek to further the objects and objectives of the Adelaide Dolphin Sanctuary Act 2005; and
- (c) insofar as this Act applies to the River Murray, seek to further the objects of the River Murray Act 2003 and the Objectives for a Healthy River Murray under that Act; and
- (d) insofar as this Act applies to areas within a marine park, seek to further the objects of the Marine Parks Act 2007.

(5) For the purposes of subsection (1), ecologically sustainable development comprises

the use, conservation, development and enhancement of the aquatic resources of the State in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being while—

(a) sustaining the potential of aquatic resources of the State to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of the aquatic resources of the State;  
and

(c) avoiding, remedying or mitigating adverse effects of activities on the aquatic resources of the State,

(taking into account the principle that if there are threats of serious or irreversible damage to the aquatic resources of the State, lack of full scientific certainty should not be used as a reason for postponing measures to prevent such damage).